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Sent by FedEx

September 21, 2020

Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 1007-1866
Leshak.andrea@epa.gov

Re: Request for Information Pursuant to Comprehensive Environmental Response,
Compensation and Liability Act, 42 U.S.C. §§ 9604, as amended ("CERCLA")
PROTECO Site, Peñuelas, Puerto Rico

Dear counsel Leshak:

Additional reference is made to the letter dated August 24, 2020 sent by the U.S. Environmental Protection Agency ("EPA") and addressed to our client, Resources Management, Inc. ("RMI"), regarding the Request for Information ("RFI) pursuant to Sec. 104(e)(2) of CERCLA for the PROTECO site in Peñuelas, PR.

In response to Requests Nos. 6, 8, 9 and 10 of the RFI, attached please find a copy of the Asset Purchase Agreement, including its attachments among which you will find copies of the Landfill Development Agreement and the Special Waste Royalty Agreement.

RMI asserts a confidentiality claim covering part of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. §§ 2.201 to 2.311.

To comply with the confidentiality claim, all pages on the attached Asset Purchase Agreement, including the Landfill Development Agreement and the Special Waste Royalty Agreement have been stamped "CONFIDENTIAL".

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The portion of these documents entitled to confidential treatment include Confidential Business Information (“CBI”), not limited to financial information, trade secrets and other similar information for which protection from public disclosure is herein claimed.

If this CBI is disclosed and/or made public, it may be used by competing business companies and thus, have a negative effect on the business competitive position of the parties that appear in and execute these agreements. The waste hauling and disposal business in Puerto Rico is competitive, particularly in terms of pricing. Therefore, the disclosure of the information regarding payments made by the parties in these agreements could likely be used by competing companies if made part of the public domain. This would result in substantial harmful effect on the business’s competitive position for the parties in these agreements. The competing companies may use the amounts of the payments to calculate competing pricing and modify theirs accordingly. This creates a causal relationship between disclosure and such harmful effects.

Since these agreements were executed, the parties have taken reasonable measures to protect the confidentiality of the information and intend to continue to do so. This confidential information has not been obtainable by legitimate means without RMI’s consent.

The confidentiality claim for the attached agreements is made for a permanent time period.

To guard against the undesired disclosure of the information to others, the portions with the business terms in the agreements have been redacted. In the attachment, you will find both a clean and a redacted version of all the attached agreements.

Should you have any question regarding this matter, do not hesitate to contact us at your convenience.

Very cordially,

s/Rafael Toro Ramírez

Attachments

c: Dr. Jorge Fernández
Zolymar Luna



Expanded Service International Air Waybill

Origin Copy

8073 0809 5500

0425

Not all services and options are available to all destinations.

1 From
Date 09/24/2020 Sender's FedEx Account Number 1019-7528-2
Sender's Name Rafael A. Toro, Esq Phone 781-793-3950
Company TORO & ARSUAGA
Address Amelia Industrial Park
Address 4 Calle Amelia
City Guaynabo State PR
Country ZIP Postal Code 00968

2 To
Recipient's Name Andrea Leshak, Esq. Phone
Company US EPA, Region 2
Address 290 Broadway 17th Floor
City NY State NY
Country ZIP Postal Code 1007-1866
Recipient's Tax ID Number for Customs Purposes
e.g. GST/VAT/IN/EIN/ABN, or as locally required

3 Shipment Information

Total Packages Total Weight lbs in kg DIM / / cm

Commodity Description	Harmonized Code	Country of Manufacture	Value for Customs
<u>Business Documents</u>			

Has EEI been filed in AES? For EU Only: Tick here if goods are not in free circulation and provide CI Total Declared Value for Carriage Total Value for Customs (Specify Currency)

☐ No EEI required, value \$2,500 or less per Schedule B Number, no license required (NLR), not subject to ITAR If other than NLR, enter License Exception

☐ No EEI required, enter exemption number

☐ Yes - Enter AES proof of filing citation

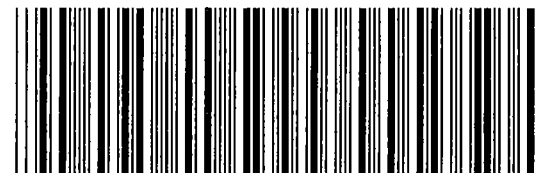
Origin Station ID 534R Country Code/Destination Station ID XA URSR Routing PLTA

Handling Units Total Volume (cm)

Received At 1 ☐ Reg Stop 2 ☒ On-Call Stop 3 ☐ Drop Box 4 ☐ World Service Center 5 ☐ Station Forms Attached: ☐ CI ☐ CO

Base Charges Declared Val Chrg Other ODA/OPA Credit Card Auth

FedEx Emp # Audit Emp # Date Time Del Courier Emp # Date Time



4a Express Package Service Packages up to 150 lbs. / 68 kg

☒ FedEx Intl Priority 6 ☐ FedEx Intl. First Available to select locations 3 ☐ FedEx Intl Economy FedEx Envelope and FedEx Pak rate not available

4b Express Freight Service Packages over 150 lbs. / 68 kg

70 ☐ FedEx Intl Priority Freight 85 ☐ FedEx Intl Economy Freight
Booking Number
Please call your local FedEx office to book shipments

5 Packaging *These unique brown boxes with special pricing are provided by FedEx for FedEx Intl Priority only

6 ☐ FedEx Envelope 2 ☐ FedEx Pak 3 ☒ FedEx Box 4 ☐ FedEx Tube
1 ☐ Other PW ☐ FedEx 10kg Box* PX ☐ FedEx 25kg Box*

6a Special Handling

1 ☐ HOLD at FedEx Location 3 ☐ SATURDAY Delivery Available to select locations for FedEx Intl. Priority and FedEx Intl. Priority Freight only
Does this shipment contain dangerous goods?
One box must be checked / ticked
☐ No 4 ☐ Yes 8 ☐ Yes Shipper's Declaration not required 6 ☐ Dry Ice Dry ice, 9, UN 1845 kg
CA ☐ Cargo Aircraft Only
Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

6b Broker Selection

Not available with FedEx Intl. First. 40 ☐ Intl Broker Select To specify a broker other than FedEx
Broker's Name
City / State / Province / Country
ZIP Postal Code Phone

7 Payment Complete payment options for both transportation charges and duties and taxes

Bill transportation charges to:
1 ☒ Sender Acct No in Section 1 will be billed 2 ☐ Recipient 3 ☐ Third Party 4 ☐ Credit Card 5 ☐ Cash Check/Cheque
FedEx Acct No Total Transportation

Credit Card Exp Date Specify Currency

Bill duties and taxes to:

ALL shipments may be subject to Customs charges, which FedEx does not estimate prior to clearance
1 ☒ Sender Acct No in Section 1 will be billed 2 ☐ Recipient 3 ☐ Third Party 5 ☐ Cash Check/Cheque
FedEx Acct No

8 Your Internal Billing Reference

First 24 characters will appear on invoice

9 Required Signature

Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not require a U.S. State Department license. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract

WARNING: These commodities, technology, or software were exported from the United States in accordance with Export Administration Regulations. Diversion contrary to U.S. law prohibited

Sender's Signature
This is not authorization to deliver this shipment without a recipient signature

FedEx Courier Receipt: Date:

For letter of credit shipments only

Received above shipment in good order and condition. We agree to pay all charges, including customs duties and taxes as applicable, and we agree to the Conditions of Contract as stated on the reverse side of the Recipient's Copy

Recipient's Signature:

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